

## **REMARKS**

The July 7, 2011 Office Action identifies the following issues:

- Claims 19 and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Grim (U.S. Patent No. 5,366,128).
- Claims 22 and 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by Poulet (FR 2832371 A).
- Claims 19, 21, 22, 24 and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Szigeti (U.S. Patent No. 6,158,638).

Applicant respectfully submits that the following remarks address each of the rejections above and places the present application in condition for allowance.

### **Claims 19 and 21 Are Patentable over Grim**

Claims 19 and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Grim. Applicant amended independent claim 19 to include the limitation of “the cover is capable of pivoting to a first cover position and a second cover position,” and “a securing member coupled to the base, the securing member capable of securing the base to the vehicle roof, wherein the securing member is inhibited from being unsecured from the vehicle roof when the cover is in the first and second cover positions.” Applicant respectfully submits that no new matter has been added by way of this amendment and that support for this amendment can be found in at least the specification and drawings as originally filed.

Applicant respectfully contends that Grim does not disclose, teach or suggest this limitation. As shown in Figure 2 of Grim, the shoulder 22 is secured to the vehicle when the cover 24 is in the closed position. However, as shown in Figure 3 of Grim, the shoulder 22 is not secured to the vehicle when the cover 24 is in the open position. The shoulder 22, therefore, is only inhibited from being unsecured from the vehicle roof in one position. Accordingly,

Applicant respectfully submits that independent claim 19 is allowable over Grim and respectfully requests indication of such.

As claim 21 depends from independent claim 19, the arguments above apply equally to this claim. Accordingly, Applicant respectfully submits that claim 21 is allowable over Grim and respectfully requests indication that claim 21 is so allowable.

Applicant added new claim 26. Applicant contends that no new matter has been added by way of this additional claim as support can be found in at least the specification and drawings as originally filed. Applicant respectfully contends that since claim 26 depends directly from claim 19, that claim 26 is likewise allowable over Grim and requests indication of such.

#### **Claims 22 and 24 Are Patentable over Poulet**

Claims 22 and 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by Poulet. Applicant amended independent claim 22 as indicated above and respectfully submits that no new matter has been added by way of this amendment and that support for this amendment can be found in at least the specification and drawings as originally filed.

Applicant respectfully contends that Poulet fails to disclose, teach or suggest the securing member being inhibited from being unsecured from the vehicle roof when the pivot is in the first and second positions. The pivot 133 of Poulet being in the position shown in Figure 13 results in the leg 123 being unsecured from the vehicle roof 102. The leg 123, therefore, is not inhibited from being unsecured from the vehicle. Accordingly, Applicant respectfully submits that amended claim 22 is allowable over Poulet and respectfully requests indication of such.

As claim 24 depends from claim 22, the arguments above apply to this claim.

Accordingly, Applicant respectfully submits that claim 24 is allowable over Poulet and respectfully requests indication that claim 24 is so allowable.

**Claims 19, 21, 22, 24 and 25 Are Patentable Over Szigeti**

Claims 19, 21, 22, 24 and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Szigeti. Applicant respectfully contend that Szigeti fails to disclose, teach or suggest the securing member being inhibited from being unsecured from the vehicle roof when the cover is in both the third and fourth positions as required by claim 19. The securing members of Szigeti appear to be the cargo support guide saddles 14, 16, 24, and 26. As shown in the drawings, the cover 30 being in either of the positions shown in Figure 3 does not inhibit the cargo support guide saddles 14, 16, 24, and 26 from being unsecured from the vehicle roof. Applicant, therefore, respectfully requests indication that independent claim 19 is allowable.

Applicant further respectfully contends that Szigeti fails to disclose, teach or suggest the securing member being inhibited from being unsecured from the vehicle roof when the pivot is in the first and second positions. The pivot 50 in the positions shown in Figure 3 does not inhibit the cargo support guide saddles 14, 16, 24, and 26 from being unsecured from the vehicle roof. Applicant, therefore, respectfully requests indication that independent claim 22 is allowable.

As claims 21, 24 - 26 depend either directly or indirectly from independent claims 19 and 22, the arguments above likewise apply to these claims. Accordingly, Applicant respectfully submits that claims 21, 24 - 26 are allowable over the Szigeti and respectfully requests indication of such.

### **Conclusion**

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner has any questions pertaining to the above, then the undersigned attorney would welcome a phone call to provide any further clarification.

Respectfully submitted,

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